

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SYLVESTER BOSTON, JR. (D-2),

Defendant.

Case No. 14-20383

Honorable Nancy G. Edmunds

**ORDER DENYING DEFENDANT'S
SECOND MOTION FOR COMPASSIONATE RELEASE [438]**

Defendant Sylvester Boston, Jr. is currently in the custody of the Federal Bureau of Prisons. Pending before the Court is Defendant's second motion for compassionate release brought pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), as amended by § 603(b)(1) of the First Step Act of 2018, Pub L. 115-391, 132 Stat. 5194, 5239. (ECF No. 438.) The Court entered an order denying Defendant's first motion for compassionate release on November 5, 2020. (ECF No. 418.) And on February 16, 2021, the Court denied Defendant's motion for reconsideration of that order. (ECF No. 429.) Defendant also filed a motion for appeal of the order denying compassionate release which the Sixth Circuit Court of Appeals dismissed as untimely. (ECF Nos. 424, 437.)

Although the present motion is titled as one for compassionate release under 18 U.S.C. § 3582(c)(1)(A), the arguments Defendant makes therein are more suited to a motion to vacate typically brought under 28 U.S.C. § 2255. Indeed, Defendant made the same or similar arguments in his § 2255 motion which was denied on January 12, 2021. (ECF Nos. 374, 378, 421.) His present motion is therefore an improper attempt to relitigate

issues already decided. Accordingly, and for the reasons discussed in detail in the Court's prior orders denying Defendants motions under § 3582(c)(1)(A) (ECF Nos. 418, 429) and the order denying his motion under § 2255 (ECF No. 421), Defendant's current motion for compassionate release is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 16, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 16, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager